

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SAM COSTANZA

Plaintiff

v.

BREAKING NEWS NETWORK, INC.

Defendant.

Case No. 1:18-cv-10317-JMF

December 12, 2018

OFFER OF JUDGMENT

Pursuant to Fed. R. Civ. P. 68(a), Defendant Breaking News Network, Inc. (“BNN”) hereby offers to allow a final judgment to be entered against it and in favor of Plaintiff Sam Costanza (“Plaintiff”), as follows:

1. The payment of Five Thousand Dollars and Zero Cents (\$5,000.00) to Plaintiff, inclusive of attorneys’ fees and costs so that the sum offered is the total amount to be paid by Breaking News Network, Inc. pursuant to any such judgment, including all costs of suit and attorneys’ fees otherwise recoverable in this action by Plaintiff; and

2. The entry of a judgment stating that Breaking News Network, Inc. does not admit liability, and that judgment on these terms does not establish or imply the fact of liability.

To accept this offer, Plaintiff must serve written notice of acceptance hereof within fourteen (14) days of the date this offer is made. If, after fourteen (14) days, Plaintiff does not accept this offer, it shall be deemed withdrawn.

If Plaintiff does not accept this offer, Plaintiff may become obligated to pay Breaking News Network, Inc.’s costs incurred after the making of this offer.

This offer of judgment is made for the purposes specified in Rule 68, and should not be construed, as an admission of liability by Breaking News Network, Inc., or that Plaintiff has

suffered any damage. This offer shall not be filed with the Court unless (a) accepted or (b) in a proceeding to determine costs.

Dated: December 12, 2018

ACCEPTED AND AGREED

Jesse Rose
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Attorneys for Sam Costanza

Dated: December 12, 2018

Respectfully submitted,

/s/ Richard B. Newman
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Attorneys for Breaking News Network, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on December 12, 2018, a copy of the foregoing Offer of Judgment was served by electronic mail on the following:

Jesse Rose
The Rose Law Group, PLLC
31-09 Newtown Avenue, Suite 309
Astoria, New York 11102

/s/ Richard B. Newman
Richard B. Newman